IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WA.No. 1220 of 2007()
---

AGAINST THE JUDGEMENT IN WPC.33169/2004 Dated 13/12/2006
.....

APPELLANTS: RESPONDENTS
---

1. UNION OF INDIA, REPRESENTED BY
SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.

2. PRINCIPAL CONTROLLER OF DEFENCE,
ACCOUNTS (PENSION), ALLAHABAD.

3. COMMANDANT, CROPS OF MILITARY POLICE
RECORDS, BANGALORE.

BY ADV. SRI.P.PARAMESWARAN NAIR, CGC

RESPONDENTS: PETITIONER
---

EX NO.777O247, N.PADMANABHAN,
S/O.P.KUNHIKANNAN, RESIDING AT KARINDHALAM,
POST KARINDHALAM, VIA NILESWAR, KASARGOD
DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.S.Radhakrishnan**
**&**
**Antony Dominic, JJ.**
**==========**
**W.A.No.1220 of 2007**
**==========**

**Dated this the 11th day of June, 2007.**

**JUDGMENT**

**Radhakrishnan,J.**

We find no infirmity in the finding of the learned single Judge. Earlier petitioner approached this Court and filed O.P.No.5769 of 2001, which was disposed of directing the authorities to consider the claim of the petitioner for disability pension from the date of his discharge in accordance with law and in the light of the observations made in that judgment. This Court noticed that the discharge was on account of 30% disability arising out of hypertension, while in service assessed by the Re-Medical Board. Further it was also noticed that though the Re-Medical Board had assessed his disability at 30%, the same was interfered with by the Accounts Officer reducing it to 20% which was not disputed by the respondent. In the earlier O.P., this Court also also noticed that the respondents did not have a consistent case as to whether the disability suffered by the petitioner was attributable or aggravated by military service. O.P.No.5769 of 2001 was therefore

disposed of directing the second respondent therein to consider the claim, from the date of his discharge, the same has not been done and hence, learned single Judge was justified in granting the reliefs.

Counsel for the appellants submitted that they are contemplating to file a review petition against O.P.No.5769 of 2001. We express no opinion on that request. Writ Appeal is dismissed as above.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

ess 11/6